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FEDERAL DEPOSIT INSURANCE
CORPORATION, AS RECEIVER FOR
WASHINGTON MUTUAL BANK

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

YAASMYN FULA,
Plaintiff,

vs.

WASHINGTON MUTUAL BANK FA,
a corporation, JOHN DUNSTAN, a sole
proprietor, LANCE NOWAK, an
individual, ANDREA ANIA, an
individual, OCEANFRONT
MORTGAGE, INC., a corporation, and
DOES 1 through 10,

Defendants.

Case No. CV-08-00464-R-SH

**ORDER DISMISSING CLAIMS
FOR LACK OF SUBJECT
MATTER JURISDICTION**

Judge: The Honorable Manuel L. Real

ORDER

On November 2, 2009, the Court considered the Motion to Dismiss for Lack of Subject Matter Jurisdiction filed by the Federal Deposit Insurance Corporation, as Receiver for Washington Mutual Bank ("FDIC-Receiver"). There was no appearance on behalf of the Plaintiff, nor did the Plaintiff file any written opposition to the Motion. The Court, having considered the Motion to Dismiss and the record in this case, finds that the Plaintiff has failed to exhaust the mandatory administrative claims process required by the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. No. 101-73, 103 Stat. 183 (1989), 12 U.S.C. § 1821(d). The Court therefore has no subject matter jurisdiction over the claims against FDIC-Receiver and the motion to dismiss is GRANTED.

IT IS HEREBY ORDERED that the above-styled and numbered case is DISMISSED WITH PREJUDICE as to all claims and causes of action asserted by Plaintiff Yaasmyn Fula against FDIC-Receiver and all defendants.

IT IS SO ORDERED.

Dated: November 4, 2009

By: 

Hon. Manuel L. Real, UNITED STATES DISTRICT COURT JUDGE